Notice of Allowability	Application No.	Applicant(s)	
	10/709,208	GASCOYNE ET AL.	
	Examiner	Art Unit	
	Thien T. Mai	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *RCE filed 8/28/06*.

2. ☒ The allowed claim(s) is/are *1-18,25,27-32,37-47 and 49*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/2006 has been entered.

Allowable Subject Matter

1. Claims 1-18, 25,27-32, 37-47, 49 are allowed.

2. The following is a statement of reasons for the indication of allowable subject matter:

Re claim(s) 1-18, 37-45, and 49, reference West (4,127,773) disclosed in an IDS submitted after previously sent Allowance Notification disclose some similarities with the present invention in that West discloses an apparatus comprising two single-wavelength light sources (Figure 6) three single-wavelength filters (col. 5 line 30) for identifying luminescent articles. However, Prior art (such as Gonzalez et al. [US 6,380,547] or Modlin et al. [US 6,326,605]) have failed to provide teachings that would make a sound combination identical to the present invention. Particularly Gonzalez et al. teach a multi-wavelength excitation light beam for excitation a photoluminescent tag, storing the fluorescent spectrum from the reflected light emission on a paper, computer memory, or

a code encoded on the CD-ROM including the wavelength information of the excitation light (col. 8 lines 60-68, col. 9 lines 1-10); comparing multi-wavelength spectrum signature stored to a multi-wavelength spectrum obtained from exposing the storage medium to a light source at the predetermined wavelength at later time, if the two spectrum yield the same result with decaying factor taken into consideration, then the authenticity of the storage medium is confirmed. As discussed, the combination attempts will not result the present invention.

Conclusively, exhaustive search of Prior Art of record does not reveal an authentication system comprising two light sources and at least three light sensing devices, wherein

- the first light source capable of generating a photoluminescent emission from a medium having a luminescent tag and a color,
- the second light source capable of generating a second analog response different from the luminescent emission, and
- the light sensing devices are for detecting analog emission intensity in a spectral sensitivity range

wherein each light sensing device has a different device spectral sensitivity range which includes at least a portion of the visible multi-wavelength spectral distribution, and

wherein the device spectral sensitivity range of at least one of the light sensing devices includes at least a portion of a desired photoluminescent emission wavelength range; and

wherein each light sensing device is configured to receive at least one of the photoluminescent emission and the second analog signal.

Re claim(s) 25 and 46-47, Prior Art does not teach a data device comprising an authentication analog measurement device with the specifics similar to those as detailed in claim 1 and further comprising a comparator for determining if the detected analog signature is from an authentic medium and an information device capable of reading/writing to the authentic medium

Re claim(s) 27-32, prior art does not disclose a data device comprising:

an authentication analog measurement device capable of generating a detected analog signature of a data storage medium;

a comparator capable of determining if the detected analog signature is from an authentic medium, wherein the comparator is in operable communication with the measurement device; and

an information device capable of at least one of reading from and writing to the authentic medium, wherein the information device is in operable communication with the comparator;

wherein the measurement device further comprises a first light source having a first light source spectral distribution and being capable of providing sufficient excitation to produce a photoluminescent emission from a medium comprising a luminescent tag and a color, wherein the photoluminescent emission has a photoluminescence intensity;

a second light source having a visible multi-wavelength spectral distribution and being capable of providing sufficient visible multi-wavelength illumination of the medium to generate a second analog response, wherein the second analog response is different from the photoluminescent emission; and

at least three optically filtered light sensing devices for detecting analog emission intensity in a spectral sensitivity range;

wherein each light sensing device has a different device spectral sensitivity range which includes at least a portion of the visible multi-wavelength spectral distribution;

wherein the device spectral sensitivity range of at least one of the light sensing devices includes at least a portion of a desired photoluminescent emission wavelength range; and

wherein each light sensing device configured to receive at least one of the photoluminescent emission and the second analog signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thien T Mai
Examiner
Art Unit 2876

TM
9/30/2006

THIEN M. LE
PRIMARY EXAMINER